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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,973	10/21/2003	Peter Hachimann	A-3839	4411
24131	7590	11/17/2005		
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,973

Applicant(s)

HACHIMANN ET AL.

Examiner

Thomas A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the independent claims 1 and 21, there is insufficient structural relationship recited in these claims between the elements, to understand how recited functions are performed. For example, it is unclear what structure(s) cause the expelling of the sheet-carrying air flows during operation. During operation of what claimed elements?

As another example, it is unclear as to the relationship between the air passage openings, the flow ducts and the opening cross-sections. It is unclear where the flow ducts are located on the sheet guiding device.

Also, it is unclear in claims 1 and 21, what is meant by the recited "length being **multiple times** greater than said width". (emphasis added). These are merely exemplary of the indefiniteness of claims 1 and 21.

Regarding the dependent claims 2-20, it is also unclear as to structural relationships between the recited elements in these claims and the elements previously recited in independent claim 1. As one example in claim 2, it is unclear as to the

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structural relationship between the recited vanes and the previously recited flow ducts and cross-sections of claim 1. It is unclear how the guide vanes, the flow ducts and the air passage openings are arranged relative to one another. As another example in claim 4, it is unclear as to the relationship between the passage openings and the slots. In claim 5 it is confusing as to the difference between the waste-air slots and the slots of claim 1. These are merely exemplary of the indefiniteness of the claims. The relationships between the elements in each of the claims need to be further defined, so that it is clear as to the arrangements of slots, waste air slots, waste air openings, air passage openings, flow ducts, and supporting air openings on the sheet-processing machine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 14, 16-18 and 21, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20010011509 (Fujimoto).

Regarding claim 1, Fig. 8 shows a sheet-processing machine, including

a blast or blown-air supply system (including 13'); and

a pneumatic sheet-guiding device (1') connected to the blast or blown-air supply system (including 13'); the sheet-guiding device (1') having flow ducts (4a, 4b) for aligning sheet-carrying air flows; the sheet-guiding device (1') having a sheet-guiding surface (1d);

the sheet-guiding surface (1') having air passage openings (above 3' on both sides) formed therein for sheets being dragged over the air passage openings in a sheet travel direction (i.e., the direction into the page) and for expelling the sheet-carrying air flows during operation; the air passage openings in the sheet-guiding surface (1d) forming opening cross-sections of the flow ducts (4a and 4b). Also, Fig. 8 shows that the opening cross-sections are slots, but does not specifically show the length and width dimensions. However, Fig. 3 shows that it is well known to provide an air passage opening structure (near 3) on each end of a sheet-guiding surface (1d1) that forms an opening cross-section that is a slot with a length many times greater than a width, to properly control air flow and prevent sheet flapping or fluttering. See Abstract. It would be obvious to one of ordinary skill in the art at the time of the invention, to provide the sheet-guiding surface (1d) of Fig. 8 with an air passage opening structure that properly controls the air flow and prevents sheet flapping or fluttering, as taught by Fig. 3 of U.S. Patent Publication No. 20010011509.

Regarding claim 2, Fig. 8 shows guide vanes (above 06) provided in the flow ducts (4a and 4b).

Regarding claim 3, Fig. 8 shows that the slots are disposed symmetrically with respect to a line of symmetry (near 06).

Regarding claim 4, Fig. 8 shows that the air passage openings (above 3' on both sides) are waste-air openings assigned to the slots.

Regarding claim 5, Fig. 8 shows that the waste-air openings are waste-air slots.

Regarding claim 6, Fig. 3 shows that the waste-air openings, on a side of the sheet-guiding device facing away from the sheet-guiding surface (near 1a), are in communication with the atmosphere.

Regarding claim 7, Fig. 8 shows a vacuum generator (13') for acting upon the waste-air openings.

Regarding claim 8, Figs. 8 shows that the air passage openings (above 3' on both sides) are purging air openings for discharging purging air flows, the purging air openings being disposed in regions wherein the sheet-carrying air flows produce a vacuum when purging air flows are lacking.

Regarding claim 9, Fig. 8 shows that the air passage openings (above 3' on both sides) are supporting-air openings for discharging supporting air flows, the supporting-air openings being disposed in regions wherein the sheet-carrying air flows produce maximum vacuum when supporting air flows are lacking.

Regarding claim 10, Fig. 3 shows that the slots are inclined with respect to the sheet travel direction.

Regarding claim 11, Fig. 3 shows that the slots are oriented in the sheet travel direction (from 1d to 2).

Regarding claim 14, Fig. 8 shows that the slots are respectively disposed repeatedly on both sides of a line of symmetry (near 06) extending in the sheet travel direction (i.e., direction into the page), the line of symmetry having a central location with respect to the sheet guiding surface (1d).

Regarding claim 16, Fig. 8 shows that the blast-air supply system (13') has chambers (below 52 on both sides) respectively communicating with the slots.

Regarding claim 17, Fig. 8 shows a multiple configuration of the slots to be acted upon individually with blast air.

Regarding claim 18, Fig. 8 shows waste-air openings (above 3' on both sides) and blowers (near 2') assigned to the slots and having suction sides (below 52 on both sides) communicating with the waste-air openings and pressure sides (near 6') communicating with the slots.

Regarding claim 21, Fig. 8 shows a rotary printing press (abstract), including
a blast or blown-air supply system (including 13'); and
a pneumatic sheet-guiding device (1') connected to the blast or blown-air supply system (including 13'); the sheet-guiding device (1') having flow ducts (4a and 4b) for aligning sheet-carrying air flows; the sheet-guiding device (1') having a sheet-guiding surface (1d); the sheet-guiding surface (1d) having air passage openings (above 3' on

both sides) formed therein for sheets being dragged over the air passage openings in a sheet travel direction (i.e., direction into the page) and for expelling the sheet-carrying air flows during operation of the rotary printing press; the air passage openings (above 3' on both sides) in the sheet-guiding surface (1d) forming opening cross-sections of the flow ducts (4a and 4b). Also, Fig. 8 shows that the opening cross-sections are slots, but does not specifically show the length and width dimensions. However, Fig. 3 shows that it is well known to provide an air passage opening structure (near 3) on each end of a sheet-guiding surface (1d1) that forms an opening cross-section that is a slot with a length many times greater than a width, to properly control air flow and prevent sheet flapping or fluttering. See Abstract. It would be obvious to one of ordinary skill in the art at the time of the invention, to provide the sheet-guiding surface (1d) of Fig. 8 with an air passage opening structure that properly controls the air flow and prevents sheet flapping or fluttering, as taught by Fig. 3 of U.S. Patent Publication No. 20010011509.

Response to Arguments

3. Applicant's arguments filed 08/31/2005 have been fully considered but they are not persuasive.

Applicant made several arguments in response to the rejections under 35 U.S.C. 112, second paragraph. Basically, applicant argued that the language is clear and definite. Thus, applicant did not amend a majority of the claims.

In response, it is examiner's position that it is confusing as to the relationships between all of the different openings (e.g., slots, waste air slots, waste air openings, air passage openings, flow ducts, and supporting air openings). Moreover, there is

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insufficient structural relationship claimed between the elements to understand which elements or groups of elements perform the recited functions.

Regarding the rejection of claims 1-11, 14, 16-18 and 21 under 35 U.S.C. 103(a) in view of U.S. Patent Publication No. 2001/011509, applicant argues that such reference does not show or suggest air passage openings in the sheet-guiding surface forming opening cross-sections of the flow ducts, the opening cross-sections being slots having a length and width, the length being multiple times greater than the width, as recited in claims 1 and 21 of the instant application.

In response, it is noted that claims 1-11, 14, 16-18 and 21 stand rejected, **as best understood**, in view of U.S. Patent Publication No. 2001/011509. It is unclear in the present claims 1-21 of the instant application, what arrangements of elements applicant is trying to claim. The examiner has made an attempt to point out prior art that is similar to the drawings and the rest of the disclosure of the instant application, and has rejected the claims as best understood.

Conclusion

4. The fact that the examiner has not rejected all of the claims in view of prior art is not an indication that such claims contain allowable subject matter, particularly in view of the 35 U.S.C. 112, second paragraph rejection above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

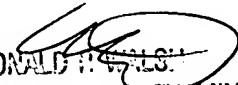
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DONALD H. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3653